**Written Submission on Draft Guidelines on Deinstitutionalization, including in emergencies**

Date: July 4, 222

**To:** The Committee on the Rights of Persons with Disabilities (CRPD)

**From:**

* Colectivo Chuhcan, México (CC by its acronym in Spanish)
* Orgullo Loco, México (OL by its acronym in Spanish)
* Liga Colombiana de Autismo, Colombia (LCA by its acronym in Spanish)
* Disability Rights International (DRI)

We welcome the Committee’s initiative to frame draft guidelines on deinstitutionalization. This submission includes comments and suggestions from the Colectivo Chuhcan and Orgullo Loco in Mexico, both organizations run by persons with psychosocial disabilities. We also included the comments from Liga Colombiana de Autismo, Colombia, an organization that carries out a constant work of political advocacy and actions that seek the recognition of people with autism as subjects of rights.

Disability Rights International worked with the organizations mentioned above, collecting their comments and facilitating discussion on the Draft Guidelines on Deinstitutionalization.

We thank the Committee for considering comments on this submission.

**General Comments:**

* Align the guidelines with the Sustainable Development Goals.
* Make a glossary of terms because there are things that are not clear.
* The language used in the guidelines is not easy to understand.
* Can you make videos to explain the information of the Draft Guidelines on Deinstitutionalization?
* It is important to have easy-to-read versions in Spanish and different accessible formats for all disabilities.
* An audio version is required.
* What would happen to persons subject to criminal charges and those with guardianship? Be more specific about what happens and what can be done in those cases.
* Establish the deinstitutionalization process step by step.

**II.**

7 and 8.

Colectivo Chuhcan: In paragraphs 7 and 8, article 15 of the CRPD should be included since many users within the different forms of institutionalization suffer from their freedom, being confined within the instruments of isolation and verbal, physical, sexual, and emotional violence. Similarly, article 16 of the CRPD applies directly against abuse and exploitation suffered by people with psychosocial disabilities within the various institutions of the asylum model.

8.

Liga Colombiana de Autismo: Options for people without support networks.

9.

Liga Colombiana de Autismo: Differentiate between hospitalization and institutionalization.

**III.**

14.

Colectivo Chuhcan: Emphasize the gender violence suffered by different users inside shelters, psychiatric institutions, or rehabilitation centers. For example, many women with psychosocial disabilities have been raped by medical personnel, especially during times of crisis, which prevents them from resuming acts of violence by their perpetrators.

17.

Colectivo Chuhcan: It is a viable proposal. However, it is important to note that the States Parties, companies, and society must ensure that people with disabilities have jobs and a decent salary to develop their independence, freedom, and where to live. Therefore, article 27 of the CRPD must be included to be used in the public and private sectors.

19.

Liga Colombiana de Autismo: We consider it important to mention that public policies aimed at deinstitutionalization must be implemented, socialized, and mandatory at the territorial level in each country.

20.

Colectivo Chuhcan: At the end of the paragraph, it is mentioned that the States Parties must provide users with general support once they leave the institutional system aside. Therefore, the document should include the support the State must provide to people with psychosocial disabilities once deinstitutionalization is completed. In this section, it should be noted that the States Parties must provide health, education, work, housing, and inclusion of people with psychosocial disabilities based on articles 25, 24, 27, and 19 of the CRPD.

26.

Liga Colombiana de Autismo: 1.- It is necessary to generate awareness campaigns for the community, including families. Recognizing that people with disabilities can contribute to the community and give messages to eliminate stereotypes and prejudices about this group. Article 8 CDCPD.

2) We also consider it important that the States Parties recognize actions to guarantee a life in the community, and the perspective must not only be from health perspective (This is currently happening in Colombia).

29.

Liga Colombiana de Autismo: The states must have public policies on deinstitutionalization that are clear and consistent with autonomy.

30.

Liga Colombiana de Autismo: Returning home protocols and extension of time.

34.

Liga Colombiana de Autismo: The person with a disability must know and decide on the returning home and its conditions.

**IV.**

36.

Colectivo Chuhcan: This paragraph tells us that it is important to show, instruct and make people with psychosocial disabilities and their families aware of the possibility of living out of the institutional system and the fact that a different model can be made considering a social instrument and rights aligned to the UN Convention and human rights perspective.

43.

Colectivo Chuhcan: The State must ensure that mothers and fathers with disabilities can keep their children.

50.We suggest including:

Liga Colombiana de Autismo: That families seek to institutionalize their children because they have not found support networks, tools, or accompaniment from health professionals from an early age, which leads them to emotional and physical wear and tear that makes them look for alternatives other than living with the family.

**V.**

52.

Liga Colombiana de Autismo: The right to work and, failing that, to an allowance that ensures their decent maintenance.

Colectivo Chuhcan: It should be noted that people with psychosocial disabilities have the right to a life with recreational, cultural, leisure and sports activities that should be accessible and under equal conditions in society, as stated in article 30 of the CRPD. In addition, users have the right to participate in society’s public and political life (Article 29 of the CRPD). This way, we can introduce two more subparagraphs in paragraph 52: (v) and (vi).

57.

Liga Colombiana de Autismo: We suggest including here article 8 of the Convention. (Awareness).

62.

Colectivo Chuhcan: Add that community services must protect each user’s integrity, thus respecting their physical and mental integrity under Article 17 of the CRPD.

66.

Orgullo Loco: A support mechanism is required so that the institutions can change their institutionalization model. They do not know how to make changes and need this close accompaniment from international organizations and civil society.

**VI.**

68.

Colectivo Chuhcan: The services that can be provided can be like those practiced within our organization: peer support has proven effective in most cases in which people with psychosocial disabilities have been accompanied in crisis. The Colectivo Chuhcán has more than ten years of experience.

Liga Colombiana de Autismo: The States Parties must strengthen the organizations of persons with disabilities. This recommendation should be emphasized with the allocation of resources for sustainability. Not just “encourage.”

70.

Colectivo Chuhcan: In paragraphs 67 to 70, a very important element needs to be added. Within the system of support networks, there must be freedom of expression for people with psychosocial disabilities, as well as access to real and valid information, apart from false and misinformed information (article 21 of the CRPD).

77.

Colectivo Chuhcan: Sometimes, family members abandon the person with a psychosocial disability for ignorance or because they are unaware that the person going through a crisis does not know that this is not permanent and that the person can recover later.

96.

Orgullo Loco: The document mentions the importance of generating trainings. However, this is the only action that includes awareness. The problem is the stigma when people leave the institution. In addition, there may be situations of violence or other human rights violations outside the community that must be addressed. The general population also needs training and awareness.

100.

Colectivo Chuhcan: Respect for diversity must be taught from school education.

101.

Colectivo Chuhcan: Access to low-cost psychological programs will be also necessary.

103.

Colectivo Chuhcan: It may be necessary for the institution in which the person lived to issue a certificate as evidence the person lived there.

104.

Colectivo Chuhcan: Revalidation of school grades, occupational therapy workshops, arts and crafts workshops, the continuation of studies for children, youth, and adults, and other educational possibilities for people with disabilities. Educational authorities need to be trained. A culture of inclusive education is also required.

**VIII.**

107.

Colectivo Chuhcan: Organize workshops and courses so that the survivors of institutionalization return to their lives correctly and as soon as possible. Promote the formation and integration of organizations of survivors of institutionalization because they, and only they, are the experts by experience.

111.

Colectivo Chuhcan: The CRPD should monitor that the Convention and other treaties are applied by the States Parties, especially in countries where religious laws are equal to civil ones.

**IX.**

113.

Colectivo Chuhcan: The institutions must apply the necessary legal measures if their personnel promoted forced sterilization, forced abortions, and rapes under the effect of sedative drugs while they were in deep crisis.

115.

Colectivo Chuhcan: People with psychosocial disabilities who have been institutionalized are the key agents in the guidelines. Therefore, creating networks, coalitions, and organizations will be necessary. Those of us who have more knowledge and training on psychosocial disability and human rights will be in charge of educating and training others. In addition, working groups, forums, meetings, conferences, colloquiums, symposiums, etc., made up of and with members of civil society and experienced experts who have lived through one or more institutionalizations, will be necessary.

117.

Colectivo Chuhcan: The compensations will be not only financial but also educational (if the person lost a long period of education due to being institutionalized), restore him/her to his/her job in a dignified manner and with a salary comparable to this, decent and affordable housing; decent, affordable and quality education for their children.

119.

Colectivo Chuhcan: Consider other cases at the international level where they have been brought to trial.

**X**.

127.

Colectivo Chuhcan: The data must be accessible to the entire population and take care of confidential information, as well as ensure the protection of personal data.

**XI.**

129.

Colectivo Chuhcan: We have a question. If, during the process of institutionalization experienced by a person, the institution’s staff committed severe human rights violations against the person and the survivor recognizes who was responsible and if the person is capable of remembering and mentioning the crimes of which was a victim. Should we understand that those who violate the user’s human rights will not be punished or sanctioned according to international laws and treaties? If this is so, in our opinion, these guidelines would have no reason to exist, and further study and analysis would be unnecessary. At the very least, we ask for the reparation of the damage equal to the seriousness of the injury received.